

amount and for a period of time effective to inhibit the contraction of vascular smooth muscle cells while not eliminating their ability to secrete extracellular matrix (claims 1-8 and 15). The '447 patent also claims a method for biologically stenting a mammalian blood vessel, which comprises administering to the blood vessel of a mammal a cytoskeletal inhibitor in an amount and for a period of time effective to inhibit the contraction or migration of the vascular smooth muscle cells (claim 12); and a therapeutic method comprising maintaining or expanding blood vessel luminal area by systemically administering to a mammal an effective amount of cytochalasin B or a cytochalasin that is a functional analog of cytochalasin B (claims 9-11, 13-14, and 16-18).

The claims of the '447 patent do not disclose or suggest a method which exposes an isolated graft vessel to a therapeutic agent. Moreover, the claims of the '447 patent do not disclose or suggest a stent or the use thereof. Accordingly, withdrawal of the rejection of claims 26-104 under the judicially created doctrine of obviousness-type double patenting over claims 1-18 of U.S. Patent No. 5,811,447 is respectfully requested.

The Examiner also provisionally rejected claims 26-104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26-49 and 65-68 of copending application Serial No. 09/910,387. A terminal disclaimer is enclosed herewith to obviate the provisional obviousness-type double patenting rejection over Serial No. 09/910,387.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6959) to facilitate prosecution of this application.